

**Introduced by Senator Ortiz**

February 24, 2006

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An act to amend Section 18502 of the Elections Code, relating to the voting process.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1706, as introduced, Ortiz. Voter corruption: penalties.

(1) Existing law makes it a felony punishable by imprisonment in the state prison for 16 months or 2 or 3 years for any person to interfere with the elections officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held and lawfully conducted.

This bill would, in addition, make it a crime punishable by a fine not exceeding \$250 upon a first conviction for any person who knowingly and without authorization enters upon any elections official's official or semiofficial canvass operations area or any area where any voting system component is being operated or stored, as specified. The bill would also make it a misdemeanor for a 2nd conviction punishable by imprisonment in the county jail for not more than a year, by a fine not exceeding \$1,000, or both, and would make a 3rd or subsequent conviction punishable as a felony, as specified.

By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 18502 of the Elections Code is  
2     amended to read:  
3     18502. (a) Any person who in any manner interferes with the  
4     officers holding an election or conducting a canvass, or with the  
5     voters lawfully exercising their rights of voting at an election, as  
6     to prevent the election or canvass from being fairly held and  
7     lawfully conducted, is punishable by imprisonment in the state  
8     prison for 16 months or two or three years.  
9     (b) (1) *Any person who knowingly and without authorization*  
10    *enters upon any elections official's official or semiofficial*  
11    *canvass operations area or any area where any voting system*  
12    *component is being operated or stored, if the area has been*  
13    *posted with notices restricting access to authorized personnel*  
14    *only and the posting occurs not greater than 10 feet from the*  
15    *exterior boundary, is guilty of a crime.*  
16    (2) *Any person convicted of a violation of paragraph (1) shall*  
17    *be punished as follows:*  
18    (A) *Upon a first conviction by a fine not exceeding two*  
19    *hundred fifty dollars (\$250).*  
20    (B) *A second conviction is punishable by imprisonment in the*  
21    *county jail for not more than one year, by a fine not exceeding*  
22    *one thousand dollars (\$1,000), or by both the fine and*  
23    *imprisonment.*  
24    (C) *A third or subsequent conviction is punishable by*  
25    *imprisonment in the state prison, by a fine not exceeding ten*  
26    *thousand dollars (\$10,000), or by both the fine and*  
27    *imprisonment, or by imprisonment in the county jail for not more*  
28    *than one year, by a fine not exceeding one thousand dollars*  
29    *(\$1,000), or by both the fine and imprisonment.*  
30    (3) *As used in this subdivision, the following definitions shall*  
31    *apply:*  
32    (A) *"Elections official's canvass operations area" means any*  
33    *area or facility used by the elections official to conduct the tasks*  
34    *of the official or semiofficial canvass referred to in Sections*  
35    *335.5, 353.5, and 15302.*

1     (B) “Authorized personnel” means any person who has the  
2     elections official’s specific authorization to enter the area in  
3     question and who has a valid identification card issued or  
4     authorized by the elections official, or is being escorted for  
5     legitimate purposes by a person with a valid identification card  
6     issued by the elections official.

7     SEC. 2. No reimbursement is required by this act pursuant to  
8     Section 6 of Article XIII B of the California Constitution because  
9     the only costs that may be incurred by a local agency or school  
10    district will be incurred because this act creates a new crime or  
11    infraction, eliminates a crime or infraction, or changes the  
12    penalty for a crime or infraction, within the meaning of Section  
13    17556 of the Government Code, or changes the definition of a  
14    crime within the meaning of Section 6 of Article XIII B of the  
15    California Constitution.